

FILED

**UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF FLORIDA**

2013 SEP 12 AM 11:40

CLERK, US DISTRICT COURT

Civil Action No. 13-cv-436-OC-10 PRL

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ANTHONY M. AUGUSTA

Plaintiff,

**"Injunctive Relief Sought"**

**And Demand for Jury Trial**

VS.

UNITED STATES DEPARTMENT OF DEFENSE and  
UNITED STATES DEPARTMENT OF HOMELAND  
SECURITY, Defendant:

5:13-cv-436-OC-10 PRL

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**Complaint**

On **December 13<sup>th</sup> 1978** the plaintiff was illegally discharged from military duty and stigmatized with a personality disorder. The plaintiff suffered severe depression which was the onset of a life-long history of [MDD] Major Depressive Disorder. The plaintiff has never been diagnosed with [PD] Personality Disorder prior to service nor after separation from service. The Plaintiff's has been repeatedly denied benefits from the **Department of Veterans Affairs** and has been unemployable since 1978. The Plaintiff's **14<sup>th</sup> Amendment Rights** were violated when illegally discharged from active duty. **The United States Department of Navy** a subcomponent of the **Department of Defense ("DoD")** and or the **National Personnel Records Center 1 Archives Drive St. Louis, Missouri 63138** violated the Plaintiff's **1<sup>st</sup> Amendment Right** by denying important medical records in direct violation of **The Freedom of Information Act, 5 U.S.C. § 552 As Amended by Public Law No. 110-175, 121 Stat. 2524.**

## **JURISDICTION AND VENUE**

The plaintiff has exhausted all administrative avenues and seeks the jurisdiction of this Court under **Title 42 U.S.C. § 1983 - Civil action for deprivation of rights**. This Court has both subject matter jurisdiction over Plaintiff's claim and personal jurisdiction over Defendant agencies pursuant to **5 U.S.C § 552(a)(4)(B)**. This Court also has jurisdiction pursuant to **28 U.S.C. § 1331**.

## **PARTIES**

**Plaintiff:** ANTHONY M. AUGUSTA 8865 SW 211<sup>th</sup> Cir. Dunnellon FL, 34431

**Defendant:** THE UNITED STATES DEPARTMENT OF DEFENCE

THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY

THE UNITED STATES DEPARTMENT OF NAVY A SUBCOMPONANT OF  
THE UNITED STATES DEPARTMENT OF DEFENCE

THE DEPARTMENT OF VETERANS AFFAIRS

## **STATEMENT OF FACTS**

On **December 13<sup>th</sup> 1978** the plaintiff was illegally discharged from military duty and stigmatized with a personality disorder. The plaintiff suffered severe depression which was the onset of a life-long history of **[MDD] Major Depressive Disorder**. The plaintiff has never been diagnosed with **[PD] Personality Disorder** prior to service nor after separation from service. The Plaintiff's has been repeatedly denied benefits from the **Department of Veterans Affairs**. The need for counseling and legal assistance in this area is increased by the military's tendency to misdiagnose and underdiagnose psychiatric conditions which might warrant discharge or retirement, or require treatment to prevent suicide or other harm. Observers have long noticed a tendency among military psychiatrists and psychologists to misdiagnose serious disorders such as major depression or schizophrenia (which may warrant medical retirement with a disability pension) as personality disorders (which warrant only administrative discharge without disability compensation from the military or the VA), or as adjustment disorders (which in the past were not grounds for discharge at all). This is not intended as a criticism of all military psychiatrists, but is a pattern that often requires increased assistance from counselors or attorneys. From **October 2001** through **September 2010** **Department of Defense ("DoD")** and component and subcomponent services systemically and illegally discharged approximately **28,000 service members** who have service connected disabilities on the basis of so-called personality disorder. It is apparent that this has been going on since the Plaintiff was illegally discharged from active duty. Plaintiff discovered these facts on or about **August 28<sup>th</sup> 2013**. The plaintiff discovered that ("**DoD**")

**Department of Defense** was illegally discharging veteran by watching a session on **TV** of the **UNITED STATES CONGRESS**. Further investigation turned up an article written by the organization called **Vietnam Veterans of America**. The articles title was **Casting Troops Aside: The United States Military's Illegal Personality Disorder Discharge Problem**. It is evident that the plaintiff's **1<sup>st</sup> & 14<sup>th</sup> Amendment Rights** were violated under the **Constitution of the United States of America**. While military records are considered private outside the military setting, and are unavailable to civilians and to many government agencies, nothing prevents potential employers from asking job applicants about military service and medical history, then requiring applicants to authorize release of records to the employer. Veterans are routinely asked to provide copies of their **DD-214** discharge documents when applying for jobs. Even if this does not lead to requests for medical records, the **DD-214** can be problematic in itself. When a **DD-214** notes medical discharge or retirement, the diagnosis is not normally given, but employers can be expected to ask. In personality disorder discharges, those words are normally used as the narrative reason for discharge on the form. Therefore, creating a stigma and labeling a veteran as unemployable. This veteran was given an **Honorable Discharge** when illegally separated from active duty and labeled as an undesirable employee. This injustice has done irreparable damage by not affording this veteran the same opportunities that others enjoy. Stigmatized, as an undesirable employee and reducing the ability of veterans to obtain gainful employment; this added to the plaintiff depression and created social a barrier. The plaintiff was finally able to receive disability benefits from the **United States Social Security Administration**. Since 1987 the plaintiff's disability has been **[MDD] Major Depressive Disorder** not **[PD] Personality Disorder**.

**REQUEST FOR RELIEF**

The plaintiff is seeking damages in the amount of twenty million dollars as well as an injunction pursuant to **Rule 65, Fed.R.Civ.P.**, and any other remedy that the court may deem just and proper. Plaintiff seeks a trial by a jury of his peers pursuant to **Rule 38(b), Fed.R.Civ.P.**.

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*Anthony M. Augusta*

*09/11/2013*